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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,101

Applicant(s)

NEWTON ET AL.

Examiner

KUNAL LANGHNOJA

Art Unit

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 06/03/2009 have been fully considered but they are not persuasive.

With respect to claim 1, applicant argues cited art fails to teach claimed limitation in response to a first control signal and allowing the switching in response to a second control signal, the second control signal being provided at an end of the video program, wherein the viewer is prevented from the switching after expiration of a selected period of time after a notification. The examiner respectfully disagrees.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant argues Wachtfogel et al fails to teach claimed limitation switching from a first channel to a second channel. However, the primary reference teaches the concept of identifying advertisements based on programming tags or data, wherein forced advertisement prevents user from switching channel while the advertisement is playing (Corvin et al: Figure 4; Paragraph 0028). Furthermore, applicant argues Wachtfogel et al fails to teach claimed limitation the second control signal being provided at the end of the view program. The examiner respectfully disagrees. Wachtfogel teaches the concept of commercial including parameters, which

allows/prevents skipping of commercials subsequent to a program. Wherein, tags associated with the commercial is provided at the end of the program.

Applicant argues the combination fails to teach claimed limitation wherein the viewer is prevented from the switching after expiration of a selected period of time after a notification. The examiner respectfully disagrees with the applicant. As cited in non-final rejection, combination teaches start of advertisement notifies user and user is prevented from switching if add progresses too far (Plotnick: Paragraph 0229). Wherein, commercials are notifications and the system calculates progress of the commercial to determine eligibility of expiration time frame to disable/enable trick-play event.

With respect to claims 8, 15, and 22 are met as previously discussed with respect to claim 1.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 8-10, 15-17, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corvin (US Patent Application Publication 2001/0054181) in view of Wachtfogel (US Patent Application Publication 2007/0067800), in further view of Plotnick et al (United States Patent Application Publication 20020144262).

For independent **Claim 1**, Corvin teaches:

an apparatus (Figure 1 Element 15) in a video display system (Fig. 1) that is capable of displaying video programs with advertisements on a plurality of channels (Fig. 1, with Paragraph [0020] Lines 11-13 and Paragraph [0028] Lines 1-5), wherein said apparatus is capable of preventing a viewer of a video program with advertisements from switching from a first channel to a second channel when an advertisement is displayed on said first channel (Paragraph [0028] Lines 14-19). However, the reference is silent with respect to first channel "in response to a first control signal and allowing the switching in response to a second control signal, the second control signal being provided at an end of the video program, wherein the viewer is prevented from the switching after expiration of a selected period of time after a notification."

In the similar field of endeavor, Wachtfogel teaches "in response to a first control signal (Paragraph 0173, 0181) and allowing the switching in response to a second control signal (Paragraph 0182-184), the second control signal being provided at an end of the video program (i.e. each commercial includes set of parameters, wherein commercials are provided end of the program)." (Paragraphs 0170, 0181-182) Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the reference by specially providing with "in response to a first control signal and allowing the switching in response to a second control signal, the second control signal being provided at an end of the video program" for the purpose of

allowing viewers to skip or prevent them from skipping commercials based on set of parameters within commercials.

In similar field of endeavor, Plotnick et al teaches "wherein the viewer is prevented from the switching after expiration of a selected period of time after a notification (i.e. start of advertisement notifies user and user is prevented from switching if the ad progresses too far)." (Paragraph 0229) Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify Corvin et al and Wachtfogel et al, the combination for the common knowledge purpose of providing advertising companies with better results by preventing users from skipping commercials.

For independent **Claim 8**, Corvin teaches:

a video display system (Fig. 1) that is capable of displaying video programs with advertisements on a plurality of channels (Fig. 1, with Paragraph [0020] Lines 11-13 and Paragraph [0028] Lines 1-5), said video display system comprising an apparatus that is capable of preventing a viewer of a video program with advertisements from switching from a first channel to a second channel when an advertisement is displayed on said first channel (Paragraph [0028] Lines 14-19). However, the reference is silent with respect to first channel "in response to a first control signal and allowing the switching in response to a second control signal, the second control signal being provided at an end of the video program, wherein the viewer is prevented from the switching after expiration of a selected period of time after a notification."

In the similar field of endeavor, Wachtfogel teaches "in response to a first control signal (Paragraph 0173, 0181) and allowing the switching in response to a second control signal (Paragraph 0182-184), the second control signal being provided at an end of the video program (i.e. each commercial includes set of parameters, wherein commercials are provided end of the program)." (Paragraphs 0170, 0181-182) Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the reference by specially providing with "in response to a first control signal and allowing the switching in response to a second control signal, the second control signal being provided at an end of the video program" for the purpose of allowing viewers to skip or prevent them from skipping commercials based on set of parameters within commercials.

In similar field of endeavor, Plotnick et al teaches "wherein the viewer is prevented from the switching after expiration of a selected period of time after a notification (i.e. start of advertisement notifies user and user is prevented from switching if the ad progresses too far)." (Paragraph 0229) Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify Corvin et al and Wachtfogel et al, the combination for the common knowledge purpose of providing advertising companies with better results by preventing users from skipping commercials.

For independent **Claim 15**, Corvin teaches:

a method for requiring a viewer of a video program to watch advertisements in said video program (see Abstract), said method comprising the steps of:

displaying video programs with advertisements on a plurality of channels in a video display system (Fig. 1, with Paragraph [0020] Lines 11-13 and Paragraph [0028] Lines 1-5); and

preventing said viewer from switching from a first channel to a second channel when an advertisement is displayed on said first channel (Paragraph [0028] Lines 14-19) However, the reference is silent with respect to first channel "in response to a first control signal and allowing the switching in response to a second control signal, the second control signal being provided at an end of the video program, the viewer is prevented from the switching after expiration of a selected period of time after a notification"

In the similar field of endeavor, Wachtfogel teaches "in response to a first control signal (Paragraph 0173, 0181) and allowing the switching in response to a second control signal (Paragraph 0182-184), the second control signal being provided at an end of the video program (i.e. each commercial includes set of parameters, wherein commercials are provided end of the program)." (Paragraphs 0170, 0181-182) Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the reference by specially providing with "in response to a first control signal and allowing the switching in response to a second control signal, the second control signal being provided at an end of the video program" for the purpose of allowing viewers to skip or prevent them from skipping commercials based on set of parameters within commercials.

In similar field of endeavor, Plotnick et al teaches "wherein the viewer is prevented from the switching after expiration of a selected period of time after a notification (i.e. start of advertisement notifies user and user is prevented from switching if the ad progresses too far)." (Paragraph 0229) Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify Corvin et al and Wachtfogel et al, the combination for the common knowledge purpose of providing advertising companies with better results by preventing users from skipping commercials.

For independent **Claim 22**, Corvin teaches:

computer-executable instructions stored on a computer-readable storage medium (Paragraph [0019] Lines 1-4, note Corvin teaches a hard disk drive, and for example, in Claim 37 a processor that prevents a television viewer from changing channels) for requiring a viewer of a video program to watch advertisements in said video program (Fig. 3 Elem. 35), said computer executable instructions comprising the steps of:

displaying video programs with advertisements on a plurality of channels in a video display system (Fig. 1, with Paragraph [0020] Lines 11-13 and Paragraph [0028] Lines 1-5, note in Claims 17 and 37 Corvin teaches a processor performing the method of the invention, which requires computer-executable instructions stored on a computer-readable storage medium); and preventing said viewer from switching from a first channel to a second channel when an advertisement is displayed on said first channel (Paragraph [0028] Lines 14-19, with Claim 37). However, the reference is silent with

respect to first channel "in response to a first control signal and allowing the switching in response to a second control signal, the second control signal being provided at an end of the video program, wherein the viewer is prevented from the switching after expiration of a selected period of time after a notification"

In the similar field of endeavor, Wachtfogel teaches "in response to a first control signal (Paragraph 0173, 0181) and allowing the switching in response to a second control signal (Paragraph 0182-184), the second control signal being provided at an end of the video program (i.e. each commercial includes set of parameters, wherein commercials are provided end of the program)." (Paragraphs 0170, 0181-182) Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the reference by specially providing with "in response to a first control signal and allowing the switching in response to a second control signal, the second control signal being provided at an end of the video program" for the purpose of allowing viewers to skip or prevent them from skipping commercials based on set of parameters within commercials.

In similar field of endeavor, Plotnick et al teaches "wherein the viewer is prevented from the switching after expiration of a selected period of time after a notification (i.e. start of advertisement notifies user and user is prevented from switching if the ad progresses too far)." (Paragraph 0229) Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify Corvin et al and Wachtfogel et al, the combination for the common knowledge purpose of providing

advertising companies with better results by preventing users from skipping commercials.

For **Claim 2**, over what was discussed in Claim 1, Corvin further teaches:

the apparatus as claimed in Claim 1 wherein said video display system is capable of displaying a recorded video program with advertisements (Paragraph [0018] Lines 3-9, and Paragraph [0019] Lines 1-9, note Corvin teaches both the recording of video programs and advertisements, and the displaying video programs and advertisements)

Corvin does not teach:

said apparatus is further capable of preventing a viewer of said recorded video program from fast forwarding said recorded video program to skip past advertisements in said recorded video program

Wachtfogel teaches:

an apparatus (Fig. 1B Elem. 10) capable of preventing a viewer of said recorded video program (Paragraph [0159] Lines 1-4 teaches that programs are recorded) from fast-forwarding said recorded video program to skip past advertisements in said recorded video program (Paragraph [0181])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the fast forwarding prevention feature taught by Wachtfogel, within the recoded video displaying apparatus taught by Corvin, in order to force advertisements upon viewers (Corvin: Paragraph [0006]).

For **Claim 3**, over what was discussed in Claim 2, Corvin teaches:

an apparatus executing advertisement control software to take control of a channel changing function (Paragraph [0028] Lines 15-18 with Claim 37)

Corvin does not expressly teach the detailed structure imparting the forced advertising functionality, specifically:

an advertisement controller;

a memory coupled to said advertisement controller;

advertisement control software within said memory;

wherein said advertisement controller is capable of executing said advertisement control software to take exclusive control of one of: a channel switching function of said video display system and a fast forwarding function of said video display system

Wachtfogel teaches:

an advertisement controller (Fig. 1B Elem. 45);

a memory coupled to said advertisement controller (the processor [Elem. 45] would necessarily comprise onboard memory);

advertisement control software within said memory (Fig. 1B Elem. 150 with Paragraph [0168], note Elem. 150 is the advertisement control module of the processor Elem. 45).

wherein said advertisement controller is capable of executing said advertisement control software to take exclusive control of a fast forwarding function of said video display system (Paragraphs [0168-0169] with Paragraph [0181] Lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of requiring a viewer to watch advertisements performed by the apparatus taught by Corvin, using the advertisement controller and associated advertisement control software taught by Wachtfogel, in order to implement the desirable forced advertising functionality in software, so that the apparatus functionality can be more readily updated.

For **Claim 9**, over what was discussed in Claim 8, Corvin further teaches:

the video display system as claimed in Claim 8 wherein said video display system is capable of displaying a recorded video program with advertisements (Paragraph [0018] Lines 3-9, and Paragraph [0019] Lines 1-9, note Corvin teaches both the recording of video programs and advertisements, and the displaying of video programs and advertisements)

Corvin does not teach:

said apparatus is further capable of preventing a viewer of said recorded video program from fast forwarding said recorded video program to skip past advertisements in said recorded video program

Wachtfogel teaches:

an apparatus (Fig. 1B Elem. 10) capable of preventing a viewer of said recorded video program (Paragraph [0159] Lines 1-4 teaches that the programs are recorded) from fast-forwarding said recorded video program to skip past advertisements in said recorded video program (Paragraph [0181])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the fast-forwarding prevention feature taught by Wachtfogel, within the recoded video displaying system taught by Corvin, in order to force advertisements upon viewers (Corvin: Paragraph [0006]).

For **Claim 10** over what was discussed in Claim 9, Corvin teaches:

an apparatus executing advertisement control software to take control of a channel changing function (Paragraph [0028] Lines 15-18 with Claim 37)

Corvin does not expressly teach the detailed structure imparting the forced advertising functionality, specifically:

an advertisement controller;

a memory coupled to said advertisement controller;

advertisement control software within said memory; wherein said advertisement controller is capable of executing said advertisement control software to take exclusive control of one of: a channel switching function of said video display system and a fast-forwarding function of said video display system
Wachtfogel teaches:

an advertisement controller (Fig. 1B Elem. 45);

a memory coupled to said advertisement controller (the processor [Elem. 45] would necessarily comprise onboard memory);

advertisement control software within said memory (Fig. 1B Elem. 150 with Paragraph [0168], note Elem. 150 is the advertisement control module of the processor Elem. 45).

wherein said advertisement controller is capable of executing said advertisement control software to take exclusive control of a fast-forwarding function of said video display system (Paragraphs [0168-0169] with Paragraph [0181] Lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of requiring a viewer to watch advertisements performed by the video system taught by Corvin, using the advertisement controller and associated software taught by Wachtfogel, in order to implement the desirable forced advertising functionality in software, so that the apparatus functionality can be more readily updated.

For **Claim 16**, over what was discussed in Claim 15, Corvin further teaches:

the method as claimed in Claim 15 further comprising the steps of:
displaying a recorded video program with advertisements on said video display system; (Paragraph [0018] Lines 3-9, and Paragraph [0019] Lines 1-9, note Corvin teaches both the recording of video programs and advertisements, and the displaying of video programs and advertisements);

Corvin does not teach:

preventing a viewer of said recorded video program from fast-forwarding said recorded video program to skip past advertisements in said recorded video program

Wachtfogel teaches:

preventing a viewer of a recorded video program (Paragraph [0159] Lines 1-4 teaches that the programs are recorded) from fast-forwarding said recorded video program to skip past advertisements in said recorded video program (Paragraph [0181]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the advertisement skipping prevention method taught by Wachtfogel, within the recoded video displaying method taught by Corvin, in order to force advertisements upon viewers (Corvin: Paragraph [0006]).

For **Claim 17** as discussed in Claim 16, Corvin teaches:

a system executing advertisement control software to take control of a channel changing function (Paragraph [0028] Lines 15-18 with Claim 37)
Corvin does not expressly teach the detailed structure imparting the forced advertising functionality, specifically:

providing an advertisement controller in said video display system;
coupling a memory to said advertisement controller;
providing advertisement control software within said memory;
executing said advertisement control software with said advertisement controller to take exclusive control of a fast-forwarding function of said video display system

Wachtfogel teaches:

providing an advertisement controller in said video display system (Fig. 1B Elem. 45);

coupling a memory to said advertisement controller (the processor [Elem. 45] would necessarily comprise onboard memory);

providing advertisement control software within said memory (Fig. 1B Elem. 150 with Paragraph [0168], note Elem. 150 is the advertisement control module of the processor Elem. 45).

executing said advertisement control software with said advertisement controller to take exclusive control of a fast-forwarding function of said video display system (Paragraphs [0168-0169] with Paragraph [0181] Lines 1-8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of requiring a viewer to watch advertisements taught by Corvin, using the advertisement controller and associated software taught by Wachtfogel, in order to implement the desirable forced advertising functionality in software, so that the process can be more readily updated.

For **Claim 23**, over what was discussed in Claim 22, Corvin further teaches:

the computer-executable instructions stored on a computer-readable storage medium as claimed in Claim 22 wherein said computer-executable instructions further comprise the steps of:

displaying a recorded video program with advertisements (Paragraph [0018] Lines 3-9, and Paragraph [0019] Lines 1-9, note Corvin teaches both the recording of video programs and advertisements, and the displaying of video programs and advertisements)

Corvin does not teach:

computer-executable instructions for preventing a viewer of said recorded video program from fast forwarding said recorded video program to skip past advertisements in said recorded video program

Wachtfogel teaches:

an apparatus (Fig. 1B Elem. 10, note the system of Wachtfogel is implemented using a processor [executing computer instructions], as seen in Fig. 1B Elem. 45) capable of preventing a viewer of said recorded video program (Paragraph [0159] Lines 1-4 teaches that the programs are recorded) from fast-forwarding said recorded video program to skip past advertisements in said recorded video program (Paragraph [0181])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the fast-forwarding prevention feature implemented using computer-executable instructions as taught by Wachtfogel, within the computer-executable instructions used by the system taught by Corvin. in order to force advertisements upon viewers (Corvin: Paragraph [0006]).

For **Claim 24**, over what was discussed in Claim 23, Corvin further teaches:

an apparatus executing advertisement control software to take control of a channel changing function (Paragraph [0028] Lines 15-18, with Claim 37)

Corvin does not expressly teach the details operative details of the structure imparting the forced advertising functionality, specifically:

accessing advertisement control software that is located within a memory coupled to an advertisement controller in said video display system; and

executing said advertisement control software with said advertisement controller to cause said advertisement controller to take exclusive control of of a fast-forwarding function of said video display system

Wachtfogel teaches:

accessing advertisement control software (Fig. 1B Elem. 150 with Paragraph [0168], note Elem. 150 is the advertisement control module of the processor Elem. 45) that is located within a memory (the processor [Elem. 45] would necessarily comprise onboard memory) coupled to an advertisement controller in said video display system (Fig. 1B Elem. 45); and

executing said advertisement control software with said advertisement controller to cause said advertisement controller to take exclusive control of of a fast forwarding function of said video display system (Paragraphs [0168-0169] with Paragraph [0181] Lines 1-8)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of requiring a viewer to watch advertisements taught by Corvin, using the advertisement controller and advertisement control software taught by Wachtfogel, in order to implement the desirable forced advertising functionality in software, so that the process can be more readily updated.

3. **Claims 4-6, 11-13, 18-20 and 25-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Corvin (US Patent Application Publication 2001/0054181) in view of Wachtfogel (US Patent Application Publication

2007/0067800), in view of Plotnick et al, further in view of De Ceulaer (US Patent 6,993,727).

For **Claim 4** over what was discussed in Claim 3, the combination of Corvin , Wachtfogel, and Plotnick teach:

an application capable receiving the first control signal (Wachtfogel: Paragraph [0174]) and the second control signal (Wachtfogel: Paragraphs [0173] and [0182-184])

in response to receiving said first control signal, causing said application to take exclusive control of said fast forwarding function (Wachtfogel: Paragraph [0181]); and

in response to receiving said second control signal, causing said application to release said exclusive control of said one of said fast forwarding function (Wachtfogel: Paragraph [0182-184]).

Corvin in view of Wachtfogel does not teach:

providing a Multimedia Home Platform system and Multimedia Home Platform application manager in said advertisement control software; and that said application is a Multimedia Home Platform application;

De Ceulaer teaches:

providing a Multimedia Home Platform system (Column 1 Lines 12-15, i.e., a MHP set-top box) and a Multimedia Home Platform application manager (Fig. 1 Elem. 4 with Col. 6 Lines 38-43); and

a Multimedia Home Platform application controlling the tuner of a set-top box (Col. 5 Lines 29-34 with Col. 6 Lines 38-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the disabling and releasing of the channel switching function in response to first and second control signals as taught by the combination of Corvin, Wachtfogel, and Plotnick, using a Multimedia Home Platform application as taught by De Ceulaer, in order to make said disabling and releasing of channel switching functionality an application which is portable across devices with different operating systems and drivers (De Ceulaer: Col. 5 lines 23-30).

For **Claim 5** over what was discussed in Claim 4, Wachtfogel further teaches:

broadcaster parameters may be associated with commercials which prevent the skipping of those commercials (Paragraphs [0169- 0170]); and

a user set of parameters associated with video content may override a broadcaster set of parameters associated with the video content (Paragraph [0133] Lines 1-3, which reads on providing a second application, where application is merely a difference of software)

Corvin in view of Wachtfogel does not teach:

a second application that is capable of preventing said first Multimedia Home Platform application from obtaining exclusive control of said fast forwarding function

De Ceulaer further teaches:

multiple set-top box MHP applications may be run on a MHP platform
(Col. 5 Lines 23-30); and

a MHP application may control the tuner of a set-top box (Col. 6 Lines 38-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a second MHP application in said advertisement control software, which overrides said first MHP application's control of the fast forwarding function, in order to release control of the fast forwarding function when users pay for the right to fast forward through advertisements (Wachtfogel: Paragraph [0184]).

For **Claim 6** as was discussed in Claim 5, Corvin in view of Wachtfogel, in view of Plotnick, further in view of De Ceulaer teaches or suggests that said second application be a Multimedia Home Platform application.

For **Claim 11** over what was discussed in Claim 10, the combination of Corvin , Wachtfogel, and Plotnick teach:

an application capable receiving the first control signal (Wachtfogel: Paragraph [0174]) and the second control signal (Wachtfogel: Paragraphs [0173] and [0182-184])

in response to receiving said first control signal, causing said application to take exclusive control of said fast forwarding function (Wachtfogel: Paragraph [0181]); and

in response to receiving said second control signal, causing said application to release said exclusive control of said one of said fast forwarding function (Wachtfogel: Paragraph [0182-184]).

Corvin in view of Wachtfogel does not teach:

providing a Multimedia Home Platform system and Multimedia Home Platform application manager in said advertisement control software; and that said application is a Multimedia Home Platform application;

De Ceulaer teaches:

providing a Multimedia Home Platform system (Column 1 Lines 12-15, i.e., a MHP set-top box) and a Multimedia Home Platform application manager (Fig. 1 Elem. 4 with Col. 6 Lines 38-43); and

a Multimedia Home Platform application controlling the tuner of a set-top box (Col. 5 Lines 29-34 with Col. 6 Lines 38-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the disabling and releasing of the channel switching function in response to first and second control signals as taught by Corvin in view of Wachtfogel, in view of Plotnick, using a Multimedia Home Platform application as taught by De Ceulaer, in order to make said disabling and releasing of channel switching functionality an application which is portable across devices with different operating systems and drivers (De Ceulaer: Col. 5 lines 23-30).

For **Claim 12** over what was discussed in Claim 11, Wachtfogel further teaches:

broadcaster parameters may be associated with commercials which prevent the skipping of those commercials (Paragraphs [0169 - 0170]); and a user set of parameters associated with video content may override a broadcaster set of parameters associated with the video content (Paragraph [0133] Lines 1-3, which reads on providing a second application, where application is merely a difference of software) Corvin in view of Wachtfogel does not teach:

a second application that is capable of preventing said first Multimedia Home Platform application from obtaining exclusive control of said fast forwarding function
De Ceulaer further teaches:

multiple set-top box MHP applications may be run on a MHP platform (Col. 5 Lines 23-30); and
a MHP application may control the tuner of a set-top box (Col. 6 Lines 38-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a second MHP application in said advertisement control software, which overrides said first MHP application's control of the fast forwarding function, in order to release control of the fast forwarding function when users pay for the right to fast forward through advertisements (Wachtfogel: Paragraph [0184]).

For **Claim 13** as was discussed in Claim 12, Corvin in view of Wachtfogel, in view of Plotnick, further in view of De Ceulaer teaches or suggests that said second application be a Multimedia Home Platform application.

For **Claim 18** over what was discussed in Claim 17, the combination of Corvin, Wachtfogel, and Plotnick teach:

an application capable receiving the first control signal (Wachtfogel: Paragraph [0174]) and the second control signal (Wachtfogel: Paragraphs [0173] and [0182-184])
in response to receiving said first control signal, causing said application to take exclusive control of said fast forwarding function (Wachtfogel: Paragraph [0181]); and
in response to receiving said second control signal, causing said application to release said exclusive control of said one of said fast forwarding function (Wachtfogel: Paragraph [0182-184]).
Corvin in view of Wachtfogel does not teach:

providing a Multimedia Home Platform system and Multimedia Home Platform application manager in said advertisement control software; and
said application is a Multimedia Home Platform Application;
De Ceulaer teaches:

providing a Multimedia Home Platform system (Column 1 Lines 12-15, i.e., a MHP set-top box) and a Multimedia Home Platform application manager (Fig. 1 Elem. 4 with Col. 6 Lines 38-43); and

a Multimedia Home Platform application controlling the tuner of a set-top box (Col. 5 Lines 29-34 with Col. 6 Lines 38-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the disabling and releasing of the channel switching function in response to first and second control signals as taught by Corvin in view of Wachtfogel, by providing a Multimedia Home Platform application as taught by De Ceulaer, in order to make said disabling and releasing of channel switching functionality an application which is portable across devices with different operating systems and drivers (De Ceulaer: Col. 5 lines 23-30).

For **Claim 19** over what was discussed in Claim 18, Wachtfogel further teaches:

broadcaster parameters may be associated with commercials which prevent the skipping of those commercials (Paragraphs [0169- 0170]); and

a user set of parameters associated with video content may override a broadcaster set of parameters associated with the video content (Paragraph [0133] Lines 1-3, which reads on providing a second application, where application is merely a difference of software)

Corvin in view of Wachtfogel does not teach:

providing a second application in said advertisement control software; and
causing said second application to prevent said first Multimedia Home Platform application from obtaining exclusive control of said fast forwarding function

De Ceulaer further teaches:

multiple set-top box MHP applications may be run on a MHP platform
(Col. 5 Lines 23-30); and

a MHP application may control the tuner of a set-top box (Col. 6 Lines 38-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a second MHP application in said advertisement control software, which overrides said first MHP application's control of the fast forwarding function, in order to release control of the fast forwarding function when users pay for the right to fast forward through advertisements (Wachtfogel: Paragraph [0184]).

For **Claim 20** as was discussed in Claim 19, Corvin in view of Wachtfogel, in view of Plotnick, further in view of De Ceulaer teaches or suggests that said second application be a Multimedia Home Platform application.

For **Claim 25** over what was discussed in Claim 24, the combination of Corvin and Wachtfogel teach:

an application capable receiving the first control signal (Wachtfogel: Paragraph [0174]) and the second control signal (Wachtfogel: Paragraphs [0173] and [0182-184])

in response to receiving said first control signal, causing said application to take exclusive control of said fast forwarding function (Wachtfogel: Paragraph [0181]); and

in response to receiving said second control signal, causing said application to release said exclusive control of said one of said fast forwarding function (Wachtfogel: Paragraph [0182-184]).

Corvin in view of Wachtfogel does not teach:

accessing a Multimedia Home Platform system and Multimedia Home Platform application manager in said advertisement control software; and said application is a Multimedia Home Platform Application;

De Ceulaer teaches:

accessing a Multimedia Home Platform system (Column 1 Lines 12-15, i.e., a MHP set-top box) and a Multimedia Home Platform application manager (Fig. 1 Elem. 4 with Col. 6 Lines 38-43); and

a Multimedia Home Platform application controlling the tuner of a set-top box (Col. 5 Lines 29-34 with Col. 6 Lines 38-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the disabling and releasing of the channel switching function in response to first and second control signals as taught by Corvin in view of Wachtfogel, by using and accessing a Multimedia Home Platform application as taught by De Ceulaer, in order to make said disabling and releasing of channel switching functionality an application which is portable across devices with different operating systems and drivers (De Ceulaer: Col. 5 lines 23-30).

For **Claim 26** over what was discussed in Claim 25, Wachtfogel further teaches:

broadcaster parameters may be associated with commercials which prevent the skipping of those commercials (Paragraphs [0169- 0170]); and a user set of parameters associated with video content may override a broadcaster set of parameters associated with the video content (Paragraph [0133] Lines 1-3, which reads on providing a second application, where application is merely a difference of software)
Corvin in view of Wachtfogel does not teach:

accessing a second application in said advertisement control software; and causing said second application to prevent said first Multimedia Home Platform application from obtaining exclusive control of said fast forwarding function
De Ceulaer further teaches:

multiple set-top box MHP applications may be run on a MHP platform (Col. 5 Lines 23-30); and
a MHP application may control the tuner of a set-top box (Col. 6 Lines 38-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to access a second MHP application in said advertisement control software, which overrides said first MHP application's control of the fast forwarding function, in order to release control of the fast forwarding function when users pay for the right to fast forward through advertisements (Wachtfogel: Paragraph [0184]).

For **Claim 27** as was discussed in Claim 26, Corvin in view of Wachtfogel further in view of De Ceulaer teaches or suggests that said second application be a Multimedia Home Platform application.

4. **Claims 7, 14, 21 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Corvin (US Patent Application Publication 2001/0054181) in view of Wachtfogel (US Patent Application Publication 2007/0067800), in view of Plotnick et al, further in view of De Ceulaer (US Patent 6,993,727) further in view of Koepele (US Patent 5,943,605).

For **Claim 7** as discussed in Claim 5, Corvin in view of Wachtfogel, in view of Plotnick, further in view of De Ceulaer teach or make obvious:

having multiple Multimedia Home Platform applications operating on a single set-top box (De Ceulaer: Col. 1 Lines 12-20); and

a Multimedia Home Platform video device which allows users to pay additional money for the ability to fast-forward during advertising (Wachtfogel: Paragraph [0184])

Corvin in view of Wachtfogel further in view of De Ceulaer do not teach:

the apparatus as claimed in Claim 5 wherein said advertisement control software comprises:

a third Multimedia Home Platform application that is capable of sending a payment authorization from said viewer to a program broadcaster to authorize said viewer to fast forward a recorded video program during a display of an advertisement in said recorded video program

Koepele teaches:

transmitting billing information from a set top terminal to a video server
(Col. 2 Lines 43-49)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send a payment authorization to a broadcaster as taught by Koepele, using a third Multimedia Home Platform application as taught by Corvin in view of Wachtfogel, in view of Plotnick et al, further in view of De Ceulaer in order to allow a viewer to immediately purchase the privilege of being able to fast-forward during the display of advertisements.

For **Claim 14** as discussed in Claim 11, Corvin in view of Wachtfogel, in view of Plotnick, further in view of De Ceulaer teach or make obvious:

having multiple Multimedia Home Platform applications operating on a single set-top box (De Ceulaer: Col. 1 Lines 12-20); and

a Multimedia Home Platform video device which allows users to pay additional money for the ability to fast-forward during advertising (Wachtfogel: Paragraph [0184])

Corvin in view of Wachtfogel further in view of De Ceulaer do not teach:

the video display system as claimed in Claim 11 wherein said advertisement control software comprises:

a third Multimedia Home Platform application that is capable of sending a payment authorization from said viewer to a program broadcaster to authorize

said viewer to fast forward a recorded video program during a display of an advertisement in said recorded video program

Koepele teaches:

transmitting billing information from a set top terminal to a video server
(Col. 2 Lines 43-49)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send a payment authorization to a broadcaster as taught by Koepele, using a third Multimedia Home Platform application as taught by Corvin in view of Wachtfogel, in view of Plotnick et al, further in view of De Ceulaer in order to allow a viewer to immediately purchase the privilege of being able to fast-forward during advertisements.

For **Claim 21** as discussed in Claim 19, Corvin in view of Wachtfogel, in view of Plotnick et al, further in view of De Ceulaer teach or make obvious:

having multiple Multimedia Home Platform applications operating on a single set-top box (De Ceulaer: Col. 1 Lines 12-20); and

a Multimedia Home Platform video device which allows users to pay additional money for the ability to fast-forward during advertising (Wachtfogel: Paragraph [0184])

Corvin in view of Wachtfogel further in view of De Ceulaer do not teach:

the method of Claim 19 further comprising the steps of:
providing a third Multimedia Home Platform application in said advertisement control software; and

causing said third Multimedia Home application to send a payment authorization from said viewer to a program broadcaster to authorize said viewer to fast forward a recorded video program during a display of an advertisement in said recorded video program

Koepele teaches:

transmitting billing information from a set top terminal to a video server
(Col. 2 Lines 43-49)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send a payment authorization to a broadcaster as taught by Koepele, by providing a third Multimedia Home Platform application in said advertisement control software as taught by Corvin in view of Wachtfogel, in view of Plotnick et al, further in view of De Ceulaer in order to allow a viewer to immediately purchase the privilege of being able to fast-forward during advertisements.

For **Claim 28** as discussed in Claim 23, Corvin in view of Wachtfogel, in view of Plotnick et al, further in view of De Ceulaer teach or make obvious:

having multiple Multimedia Home Platform applications operating on a single set-top box (De Ceulaer: Col. 1 Lines 12-20); and

a Multimedia Home Platform video device which allows users to pay additional money for the ability to fast-forward during advertising (Wachtfogel: Paragraph [0184])

Corvin in view of Wachtfogel further in view of De Ceulaer do not teach:

the computer-executable instructions stored on a computer-readable storage medium as claimed in Claim 23, wherein the computer-executable instructions further comprise the steps of:

accessing a third Multimedia Home Platform application in an advertisement control software; and

causing said third Multimedia Home application to send a payment authorization from said viewer to a program broadcaster to authorize said viewer to fast forward a recorded video program during a display of an advertisement in said recorded video program

Koepele teaches:

transmitting billing information from a set top terminal to a video server
(Col. 2 Lines 43-49)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send a payment authorization to a broadcaster as taught by Koepele, by accessing a third Multimedia Home Platform application in said advertisement control software as taught by Corvin in view of Wachtfogel, in view of Plotnick et al, further in view of De Ceulaer, in order to allow a viewer to immediately purchase the privilege of being able to fast-forward during advertisements.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUNAL LANGHNOJA whose telephone number is 571-270-3583. The examiner can normally be reached on M-F 10:00 A.M.- 6:00 P.M. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on 571-272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. L./
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427